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Commissioner for PatentsApplication No. 09/820,834

- R E M A R K S / A R G U M E N T S -

Claims 1 to 18, 21 and 22 remain in the application.

The indication that claims 21 and 22 are allowed is greatly appreciated.

The only rejections raised in connection with claims 1 to 9 appear at points 2 to 4 of the Office Action. Claims 1 to 9 are rejected under 35 U.S.C. 112, first and second paragraphs, as, according to the Examiner, the expression "said socket member being received in an axially non-interfering relationship within said outer sleeve" is indefinite and not supported by the disclosure as filed.

In view of the foregoing, Applicants have amended independent claim 1 to cancel the above-mentioned expression from the claims. Therefore, independent claim 1, as well as dependent claims 2 to 9 are now allowable.

Claims 10, 11, 14 and 16 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,293,889 (Hall et al.). This rejection is herein traversed.

As opposed to Applicants' present invention, the socket member 17 is not fully inserted into the outer sleeve 12 and, thus, the trailing end of the outer sleeve 12 is not directly accessible for receiving blows thereon, in order to hammer the outer sleeve and the socket member 17 into the ground. According to Hall et al., the blows would have to be applied directly on the trailing end of the socket member. This is contrary to the present invention which expressly intended to preclude any direct impact on the socket member. In view of the foregoing, independent claim 10 is clearly patentable over Hall et al.

Claims 10 and 11 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 5,632,464 (Aberle). This rejection is herein traversed.

It is respectfully submitted that the socket member 12 is not fully inserted into the sleeve 30 and that the rim 26 prevents access to the trailing end of the sleeve 30. Therefore, any blows would have to be applied to the socket member 12, in order to drive the footing into the ground. Claim 10 is thus clearly patentable over this reference.

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Claims 10, 11, 12 and 14 stand rejected under 35 U.S.C. 102(a) as being anticipated by United States Patent No. 6,050,034 (Krinner). This rejection is herein traversed.

Contrary to claim 10, the trailing end of the outer sleeve 16 is not directly accessible for receiving some blows, in order to drive the footing into the ground. Indeed, the trailing end of the sleeve is covered by a flange extending from the socket member 16 and, thus, the driving forces would have to be applied directly on the socket member 16 to, for instance, hammer the footing into the ground. This is contrary to the present invention. Therefore, independent claim 10 is clearly patentable over Krinner.

Claims 10, 11, 14, 15 and 16 stand rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 996,316 (Connors). This rejection is herein traversed.

It is respectfully submitted that the core pieces 7 cannot be viewed as socket members in that they do not and cannot receive and hold any member, as the bolts 9 extend transversally therethrough. The core pieces 7 are only provided for reinforcing purposes. Furthermore, from Fig. 1, it is clear that the core pieces 7 are only provided in the above-ground portion of the post, as opposed to the foot portion thereof.

Claim 10 is, thus, clearly patentable over Connors.

The remaining dependent claims are also believed patentable, at least in view of their dependency on claim 10.

It is submitted that none of the references relied upon by the Examiner discloses or suggests the presently-claimed invention.

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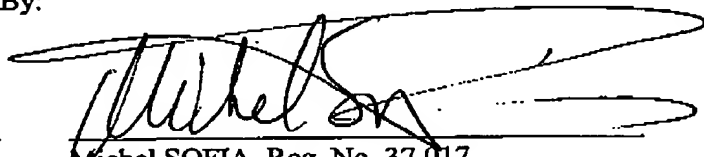
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In view of the foregoing, it is respectfully urged that the present claims are in condition for allowance. An early notice to this effect is earnestly solicited. Should there be any questions, the Examiner is courteously invited to contact the undersigned at the telephone number shown below.

Respectfully submitted,

LAPOINTE, Jean et al.

By:

May 26, 2003

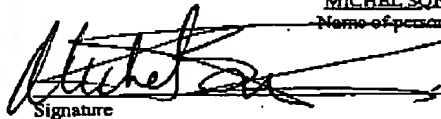
Date

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